

AMENDED IN ASSEMBLY APRIL 22, 2003

AMENDED IN ASSEMBLY APRIL 2, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 1442**

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**Introduced by Assembly Member La Suer**  
**(Coauthors: Assembly Members Bates, Benoit, Bogh, Cogdill, Cox,**  
**Daucher, Dutton, Maddox, Maldonado, Pacheco, Plescia,**  
**Spitzer, and Strickland)**

February 21, 2003

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An act to ~~amend Section 3000~~ *add and repeal Section 3000.07* of the Penal Code, relating to parole.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1442, as amended, La Suer. Parole: global positioning system monitoring.

Existing law provides for varying terms of parole.

This bill would *establish a pilot project and* require that specified inmates released to parole *in the County of San Diego* would be monitored by a Global Positioning System, for the term of the inmates' parole *or for the term of the pilot project, as specified*.

*The bill would provide that its provisions would be repealed on January 1, 2007.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. Section 3000 of the Penal Code is amended to~~  
2 *SECTION 1. Section 3000.07 is added to the Penal Code, to*  
3 *read:*

4 *3000.07. (a) There is hereby established a pilot project for*  
5 *certain inmates paroled to the County of San Diego.*

6 *(b) Every inmate who is released on parole to the County of San*  
7 *Diego pursuant to subdivision (b) of Section 3000 for an offense*  
8 *specified in paragraph (3), (4), (5), (6), (11), (16), or (18) of*  
9 *Section 667.5 shall be monitored by a Global Positioning System*  
10 *for the term of his or her parole, or for the duration or any*  
11 *remaining part thereof, of the pilot project, whichever period of*  
12 *time is less.*

13 *(c) The pilot project shall have a term of three years.*

14 *(d) This section shall remain in effect only until January 1,*  
15 *2007, and as of that date is repealed, unless a later enacted statute,*  
16 *that is enacted before January 1, 2007, deletes or extends that date.*  
17 *read:*

18 ~~3000. (a) (1) The Legislature finds and declares that the~~  
19 ~~period immediately following incarceration is critical to~~  
20 ~~successful reintegration of the offender into society and to positive~~  
21 ~~citizenship. It is in the interest of public safety for the state to~~  
22 ~~provide for the supervision of and surveillance of parolees,~~  
23 ~~including the judicious use of revocation actions, and to provide~~  
24 ~~educational, vocational, family and personal counseling necessary~~  
25 ~~to assist parolees in the transition between imprisonment and~~  
26 ~~discharge. A sentence pursuant to Section 1168 or 1170 shall~~  
27 ~~include a period of parole, unless waived, as provided in this~~  
28 ~~section.~~

29 ~~(2) The Legislature finds and declares that it is not the intent of~~  
30 ~~this section to diminish resources allocated to the Department of~~  
31 ~~Corrections for parole functions for which the department is~~  
32 ~~responsible. It is also not the intent of this section to diminish the~~  
33 ~~resources allocated to the Board of Prison Terms to execute its~~  
34 ~~duties with respect to parole functions for which the board is~~  
35 ~~responsible.~~

36 ~~(3) The Legislature finds and declares that diligent effort must~~  
37 ~~be made to ensure that parolees are held accountable for their~~

1 criminal behavior, including, but not limited to, the satisfaction of  
2 restitution fines and orders.

3 ~~(4) Any finding made pursuant to Article 4 (commencing~~  
4 ~~with Section 6600) of Chapter 2 of Part 2 of Division 6 of the~~  
5 ~~Welfare and Institutions Code, that a person is a sexually violent~~  
6 ~~predator shall not toll, discharge, or otherwise affect that person's~~  
7 ~~period of parole.~~

8 ~~(b) Notwithstanding any provision to the contrary in Article 3~~  
9 ~~(commencing with Section 3040) of this chapter, the following~~  
10 ~~shall apply:~~

11 ~~(1) At the expiration of a term of imprisonment of one year and~~  
12 ~~one day, or a term of imprisonment imposed pursuant to Section~~  
13 ~~1170 or at the expiration of a term reduced pursuant to Section~~  
14 ~~2931 or 2933, if applicable, the inmate shall be released on parole~~  
15 ~~for a period not exceeding three years, except that any inmate~~  
16 ~~sentenced for an offense specified in paragraph (3), (4), (5), (6),~~  
17 ~~(11), (16), or (18) of subdivision (e) of Section 667.5 shall be~~  
18 ~~released on parole for a period not exceeding five years, unless in~~  
19 ~~either case the parole authority for good cause waives parole and~~  
20 ~~discharges the inmate from the custody of the department. Every~~  
21 ~~inmate who is released on parole pursuant to this subdivision for~~  
22 ~~an offense specified in paragraph (3), (4), (5), (6), (11), (16), or~~  
23 ~~(18) of subdivision (e) of Section 667.5 shall be monitored by a~~  
24 ~~Global Positioning System for the term of his or her parole.~~

25 ~~(2) In the case of any inmate sentenced under Section 1168, the~~  
26 ~~period of parole shall not exceed five years in the case of an inmate~~  
27 ~~imprisoned for any offense other than first or second degree~~  
28 ~~murder for which the inmate has received a life sentence, and shall~~  
29 ~~not exceed three years in the case of any other inmate, unless in~~  
30 ~~either case the parole authority for good cause waives parole and~~  
31 ~~discharges the inmate from custody of the department. This~~  
32 ~~subdivision shall also be applicable to inmates who committed~~  
33 ~~crimes prior to July 1, 1977, to the extent specified in Section~~  
34 ~~1170.2.~~

35 ~~(3) Notwithstanding paragraphs (1) and (2), in the case of any~~  
36 ~~offense for which the inmate has received a life sentence pursuant~~  
37 ~~to Section 667.61 or 667.71, the period of parole shall be five~~  
38 ~~years. Upon the request of the Department of Corrections, and on~~  
39 ~~the grounds that the paroled inmate may pose a substantial danger~~  
40 ~~to public safety, the Board of Prison Terms shall conduct a hearing~~

1 to determine if the parolee shall be subject to a single additional  
2 five-year period of parole. The board shall conduct the hearing  
3 pursuant to the procedures and standards governing parole  
4 revocation. The request for parole extension shall be made no less  
5 than 180 days prior to the expiration of the initial five-year period  
6 of parole. Every inmate who is released on parole pursuant to this  
7 subdivision shall be monitored by a Global Positioning System for  
8 the term of his or her parole.

9 (4) The parole authority shall consider the request of any  
10 inmate regarding the length of his or her parole and the conditions  
11 thereof.

12 (5) Upon successful completion of parole, or at the end of the  
13 maximum statutory period of parole specified for the inmate under  
14 paragraph (1), (2), or (3), as the case may be, whichever is earlier,  
15 the inmate shall be discharged from custody. The date of the  
16 maximum statutory period of parole under this subdivision and  
17 paragraphs (1), (2), and (3) shall be computed from the date of  
18 initial parole or from the date of extension of parole pursuant to  
19 paragraph (3) and shall be a period chronologically determined.  
20 Time during which parole is suspended because the prisoner has  
21 absconded or has been returned to custody as a parole violator shall  
22 not be credited toward any period of parole unless the prisoner is  
23 found not guilty of the parole violation. However, in no case,  
24 except as provided in Section 3064, may a prisoner subject to three  
25 years on parole be retained under parole supervision or in custody  
26 for a period longer than four years from the date of his or her initial  
27 parole, and, except as provided in Section 3064, in no case may a  
28 prisoner subject to five years on parole be retained under parole  
29 supervision or in custody for a period longer than seven years from  
30 the date of his or her initial parole or from the date of extension of  
31 parole pursuant to paragraph (3).

32 (6) The Department of Corrections shall meet with each inmate  
33 at least 30 days prior to his or her good time release date and shall  
34 provide, under guidelines specified by the parole authority, the  
35 conditions of parole and the length of parole up to the maximum  
36 period of time provided by law. The inmate has the right to  
37 reconsideration of the length of parole and conditions thereof by  
38 the parole authority. The Department of Corrections or the Board  
39 of Prison Terms may impose as a condition of parole that a prisoner  
40 make payments on the prisoner's outstanding restitution fines or

1 ~~orders imposed pursuant to subdivision (a) or (c) of Section 13967~~  
2 ~~of the Government Code, as operative prior to September 28,~~  
3 ~~1994, or subdivision (b) or (f) of Section 1202.4.~~

4 ~~(7) For purposes of this chapter, the Board of Prison Terms~~  
5 ~~shall be considered the parole authority.~~

6 ~~(8) The sole authority to issue warrants for the return to actual~~  
7 ~~custody of any state prisoner released on parole rests with the~~  
8 ~~Board of Prison Terms, except for any escaped state prisoner or~~  
9 ~~any state prisoner released prior to his or her scheduled release date~~  
10 ~~who should be returned to custody, and Section 3060 shall apply.~~

11 ~~(9) It is the intent of the Legislature that efforts be made with~~  
12 ~~respect to persons who are subject to subparagraph (C) of~~  
13 ~~paragraph (1) of subdivision (a) of Section 290 who are on parole~~  
14 ~~to engage them in treatment.~~

